

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of **ACN Communication Services, Inc.** For a Certificate of Public Convenience and Necessity to Operate as a Provider of Facilities-Based and Resold Local Exchange Service within the State of California.

Application 02-08-011  
(Filed August 12, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING PROTECTIVE ORDER**

**Summary**

I grant the motion of ACN Communication Services, Inc. (ACN) for a protective order covering confidential financial material filed under seal concurrently with its application for a certificate of public convenience and necessity (CPCN).

**Background**

Pursuant to Section 583 of the Public Utilities Code<sup>1</sup> and General Order

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<sup>1</sup> Section 583 reads in relevant part: No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding.

(GO) No. 66-C,<sup>2</sup> upon a showing of good cause therefore, the Commission may order confidential information submitted to it to be sealed and not open to public inspection. Exhibit D to ACN's application to amend its CPCN contains non-public bank account and credit line information about the Applicant. Applicant asserts that public disclosure of this private confidential information would damage its competitive and financial positions.

### **Discussion**

I grant ACN's motion. Pursuant to the terms of GO 66-C, a protective order is appropriate when an applicant would be placed at an unfair business disadvantage as a result of public disclosure of financial data required by the Commission in connection with an application.

**IT IS RULED** that ACN Communication Services, Inc. (ACN) motion for a protective order is granted to the extent set forth below:

1. Exhibit D to ACN's application, which has been filed under seal as an attachment to the motion for protective order, shall remain under seal for a period of two years from the date of this ruling. During that period, the

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<sup>2</sup> GO 66-C reads in relevant part:

#### **2. EXCLUSIONS**

Public records not open to public inspection include:

(2.2) Records or information of a confidential nature furnished to, or obtained by the Commission. Such records or information shall include, but not be limited to:

b) Reports, records, and information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage.

foregoing document shall not be made accessible or be disclosed to anyone other than the Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

2. If ACN believes that further protection of this information is needed after two years, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order.

Dated September 17, 2002, at San Francisco, California.

/s/ KARL J. BEMESDERFER

Karl J. Bemesderfer  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated September 17, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.